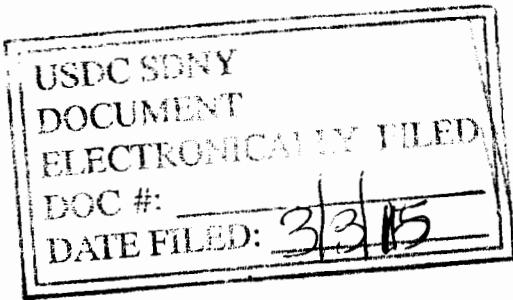


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DEUTSCHE ZENTRALGENOSSENSCHAFTSBANK  
AG, NEW YORK BRANCH, d/b/a DZ BANK AG,  
NEW YORK BRANCH; DEUTSCHE  
GENOSSENSCHAFTS-HYPOTHEKENBANK AG; and  
DG HOLDING TRUST,



Plaintiffs,

13 Civ. 393

-against-

OPINION

BANK OF AMERICA CORPORATION; BANK OF  
AMERICA, N.A.; COUNTRYWIDE FINANCIAL  
CORPORATION; COUNTRYWIDE SECURITIES  
CORPORATION; COUNTRYWIDE CAPITAL  
MARKETS, LLC; MERRILL LYNCH & CO.,  
INC.; MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC. (f/k/a BANC OF AMERICA  
SECURITIES LLC); MERRILL LYNCH  
MORTGAGE INVESTORS, INC.; CREDIT-BASED  
ASSET SERVICING AND SECURITIZATION  
LLC; and ASSET BACKED FUNDING  
CORPORATION,

Defendants.

-----X  
A P P E A R A N C E S:

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**Sweet, D.J.**

Defendants, through a letter application pursuant to Rule for the Division of Business Among District Judges of the Southern District of New York ("RDB") 13, request that this action be reassigned to the Honorable Lewis Kaplan as related to IKB International S.A. in Liquidation v. Bank of America Corp., 12 Civ. 4036 ("IKB Case").

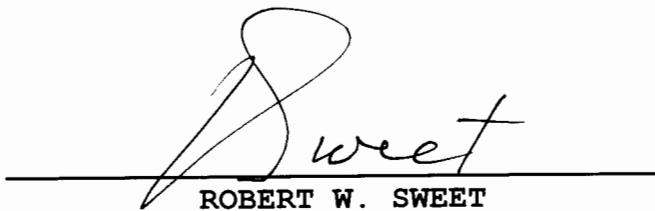
Under RDB 13(a)(2), "[c]ivil cases shall not be deemed related merely because they involve common legal issues or the same parties" and "civil cases presumptively shall not be deemed related unless both cases are pending before the Court (or the earlier case is on appeal)." The IKB Case was decided by Judge Kaplan and affirmed by the Second Circuit. See Fed. App'x 26 (2d Cir. 2014). Plaintiffs' deadline to file a writ of certiorari has expired. Consequently, both cases are no longer pending before the Court.

Having considered Defendants' arguments, the Court finds that the cases are not related. Defendants' application is denied and the current case will not be reassigned.

It is so ordered.

New York, NY

February 28, 2015



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ROBERT W. SWEET  
U.S.D.J.